

10/511967

To:

Rec'd PCT/PTO 20 OCT 2004

## PCT

## NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

**(PCT Rule 44.1)**

RS 4

Date of mailing  
(day/month/year) 19 JUN 2003

Applicant's or agent's file reference  
12208950

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.

International filing date

**PCT/AU03/00478**

22 April 2003

Applicant

RESEARCH SURGICAL PTY LTD et al

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

**For more detailed instructions, see the notes on the accompanying sheet.**

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

#### 4. Reminders

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau.

If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/AU

AUSTRALIAN PATENT OFFICE  
 PO BOX 200, WODEN ACT 2606, AUSTRALIA  
 E-mail address: [pct@ipaustralia.gov.au](mailto:pct@ipaustralia.gov.au)  
 Facsimile No. (02) 6285 3929

Authorized officer

**VINCE BAGUSAUSKAS**

Telephone No. (02) 6283 2110

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>12208950</b>	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"><b>FOR FURTHER ACTION</b></div> <div>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</div> </div>	
International application No. <b>PCT/AU03/00478</b>	International filing date ( <i>day/month/year</i> ) <b>22 April 2003</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) <b>26 April 2002</b>
Applicant <b>RESEARCH SURGICAL PTY LTD et al</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
  - a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
  - b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:
 

☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
2. ☐ **Certain claims were found unsearchable** (See Box I).
3. ☐ **Unity of invention is lacking** (See Box II).
4. With regard to the **title**,
 

☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,
 

☐ the text is approved as submitted by the applicant  
☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. The figure of the **drawings** to be published with the abstract is Figure No. **2**

☒ as suggested by the applicant.
 

☐ None of the figures

☐ because the applicant failed to suggest a figure  
☐ because this figure better characterizes the invention

**Box III**      **TEXT OF THE ABSTRACT** (Continuation of item 5 of the first sheet)

A retractor for use in surgery, has arms (2, 4) pivotal into a V-shaped configuration. Blades (16) are carried by the arms via mounting portions (16a) which can slide along the arms to provide adjustment in position with the blades being locked in that position simply by skewing the mounting portions on the arms.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/AU03/00478

<b>A. CLASSIFICATION OF SUBJECT MATTER</b>					
Int. Cl. <sup>7</sup> : A61B 17/02					
According to International Patent Classification (IPC) or to both national classification and IPC					
<b>B. FIELDS SEARCHED</b>					
Minimum documentation searched (classification system followed by classification symbols)					
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched					
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DWPI: IPC A61B 17/02 and keywords; arm, elongate, track, bar, blade, jaw, lock, fasten, secure, slid, travel, longitudinal, pivot, swivel, hinge, notch, groove & similar terms					
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>					
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.			
A	WO 01/06934 A1 (RESEARCH SURGICAL PTY LTD) 1 February 2001 See Figure 1				
A	US 4813401 A (GRIESHABER) 21 March 1989 See Figure 1				
A	EP 803228 A1 (UNITED STATES SURGICAL CORPORATION) 29 October 1997 See Figure 27				
<input type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex					
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <p>* Special categories of cited documents:</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> </td> <td style="width: 33%; vertical-align: top;"> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&amp;" document member of the same patent family</p> </td> <td style="width: 33%;"></td> </tr> </table>			<p>* Special categories of cited documents:</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p>	<p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&amp;" document member of the same patent family</p>	
<p>* Special categories of cited documents:</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p>	<p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>"&amp;" document member of the same patent family</p>				
Date of the actual completion of the international search 4 June 2003		Date of mailing of the international search report <b>19 JUN 2003</b>			
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929		Authorized officer  <b>VINCE BAGUSAUSKAS</b> Telephone No : (02) 6283 2110			

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report		Patent Family Member			
WO	01/06934	AU	59549/00		
US	4813401	NONE			
EP	803228	JP	10052430	US	5967973
				WO	99/15069
END OF ANNEX					